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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/765,172	01/18/2001	John M. Baron	10004909-1	7463

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EXAMINER

NGUYEN, JENNIFER T

ART UNIT	PAPER NUMBER
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2629

MAIL DATE	DELIVERY MODE
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05/30/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/765,172	Applicant(s) BARON, JOHN M.	
	Examiner Jennifer T. Nguyen	Art Unit 2629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 February 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7, 10-14 and 17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7, 10-14 and 17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office action is responsive to amendment filed on 02/28/2007.
2. Applicant's election without traverse of species II directed to claims 1-7, 10-14, and 17 in the reply filed on 02/28/2007 is acknowledged.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-4, 6, and 10-14 are rejected under 35 U.S.C. 102(e) as being anticipated by Nishimura (U.S. Patent No. 6,778,217).

Regarding claim 1, Nishimura teaches a display (i.e., LCD 5, fig. 4) for use in controlling the execution of a functional device (camera 1), said display (5) comprising:

an electronic control system (i.e., system control section) housed in association with said display (5), said electronic control system including a switch platform (6) mounted to detect a touching about a periphery of said display (figs. 7-9) and to provide a plurality of discrete output signals each indicative of a portion (9) of said periphery at which said touching is detected (col. 2, line 60 to col. 3, line 39).

Regarding claims 2 and 14, Nishimura teaches display is a flat panel display (i.e. LCD) (col. 2, lines 65-67).

Art Unit: 2629

Regarding claims 3 and 4, Nishimura teaches an optical imaging device wherein said optical imaging device includes an optical system configured to project an image onto a light sensitive media (col. 4, lines 20-45).

Regarding claim 6, Nishimura teaches display is mounted on said switch platform, said switch platform, which, in turn, is mounted on an enclosure, wherein said enclosure encompasses at least a portion of said functional device, and said switch platform including pressure sensitive switches positioned to detect pressure applied proximate respective corners of said display (col. 3, lines 1-20).

Regarding claim 10, Nishimura teaches display is a rectangular shaped liquid crystal display device (col. 2, lines 65-67).

Regarding claim 11, Nishimura teaches electronic control system is configured to cause said display to display a value of a control parameter and to detect an operation of said switch platform to change said value (col. 3, line 51 to col. 4, line 7).

Regarding claim 12, Nishimura teaches electronic control system is configured to allow a user to selectively position a cursor or said display (col. 3, line 51 to col. 4, line 7).

Regarding claim 13, Nishimura teaches a camera (1) comprising:

an optical system (inherent in the video camera) configured to project an image onto an imaging platform (col. 2, lines 60-64);

a controller (i.e., system control section of the camera) configured to control an operation of said optical system;

a display (5) operable to provide a visual display of parameter values used in conjunction with said optical system; and

a switch platform (6) configured to provide control signals to said controller for selecting said parameter values, said switch platform mounted to detect a touching about a periphery of said display (figs. 7-9) and operational for providing a plurality of discrete output signals to said controller, each indicative of a portion (9) of said periphery at which said touching is detected (col. 2, line 60 to col. 3, line 39).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nishimura (U.S. Patent No. 6,778,217) in view of Anderson (U.S. Patent No. 6,154,210).

Regarding claim 7, Nishimura differs from claim 7 in that he does not specifically teach a pressure sensitive switch positioned to detect pressure applied to a central portion of the display.

Anderson teaches a pressure sensitive switch (920, fig. 9D) positioned to detect pressure applied to a central portion of the display (col. 12, lines 35-45). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the pressure sensitive switch as taught by Anderson in the system of Nishimura in order to avoid a clutter on border area.

7. Claims 5 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nishimura (U.S. Patent No. 6,778,217) in view of Anderson (U.S. Patent No. 6,154,210) and further in view of Hyodo (U.S. Patent No. 6,919,927).

Art Unit: 2629

Regarding claim 17, the combination Nishimura and Anderson teaches display is configured to increase and decrease a value associated with a displayed one of said parameters in response to activations of top and bottom portions (9) of said switch platform (6) (col. 4, lines 1-7 of Nishimura);

a selecting a value in response to a touching of a central portion of flat panel display (col. 12, lines 35-45 of Anderson).

The combination of Nishimura and Anderson differs from claim 17 in that it does not specifically teach sequentially display a plurality of parameters in response to respective activations of left and right portions of said switch platform.

Hyodo teaches sequentially display a plurality of parameters in response to respective activations of left and right portions of said switch platform (col. 3, lines 43-57). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the displaying a plurality of parameters as taught by Hyodo in the system of the combination of Nishimura and Anderson in order to use switches easily at the left and right portions.

Regarding claim 5, the combination of Nishimura, Anderson, and Hyodo teaches said switch platform comprises pressure sensitive switches mounted in proximity to respective edges of said display (col. 3, lines 43-57 of Hyodo) and configured so that touching at a corner (14) operates a corresponding one of said switches and touching at a midpoint (21/22) of one of said edges operates a corresponding pair of said switches (col. 3, lines 43-57 of Hyodo).

8. Applicant's arguments with respect to claims 1-7, 10-14, and 17 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jennifer T. Nguyen whose telephone number is 571-272-7696. The examiner can normally be reached on Mon-Fri: 9:00am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard A. Hjerpe can be reached on 571-272-7691. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jennifer Nguyen
5/25/07



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